



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

CRS  
Docket No: 4320-99  
9 March 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 March 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by Awards Branch, Headquarters Marine Corps, dated 19 January 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:

1650  
MMA-3

19 JAN 2000

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS (BCNR)

Subj: BCNR APPLICATION IN THE CASE OF FORMER [REDACTED]

Encl: (1) CMC ltr 1650 MMDM-3 of 21 Aug 86

1. Mr. Tolentino is entitled to the following awards for his service in the U.S. Marine Corps:

Combat Action Ribbon for service in Vietnam

National Defense Service Medal

Vietnam Service Medal with one silver and two bronze stars

Republic of Vietnam Meritorious Unit Citation  
(Gallantry Cross Color with palm)

Republic of Vietnam Meritorious Unit Citation  
(Civil Actions Color, 1st Class with palm)

Republic of Vietnam Campaign Medal

Rifle Marksman Badge

2. During the period [REDACTED] served in the Marine Corps, the Purple Heart was authorized for award to those who were wounded or injured as a direct result of action by an enemy of the United States or an opposing armed force of a foreign country in which the Armed Forces of the United States was engaged.

3. As previously stated in our letter to him of 21 August 1986, a copy of which is forwarded as the enclosure, review of his service and medical records, and the records at this Headquarters fails to reveal any documentation to substantiate his entitlement to the Purple Heart award.

4. In order to maintain the prestige and integrity of awards, including the Purple Heart, it was necessary to establish criteria upon which decisions concerning eligibility could be established. These regulations have long since required a written record of the wound, showing date, and nature of the wound or injury, and medical treatment received. In the absence of any written record the only alternative would be eyewitness statements. While we do not intend to challenge the veracity of his statement concerning the injury, it is absolutely necessary that some documentation be provided to verify his entitlement.

5. [REDACTED] has not provided us with the required eyewitness statements. Therefore, no further action can be taken regarding a Purple Heart.

6. A point of contact at MMMA is Mr. [REDACTED] @ 784-9340.

[REDACTED]  
[REDACTED]  
[REDACTED]  
Head, Military Awards Branch  
Personnel Management Division  
by direction of  
the Commandant of the Marine Corps

1650  
MMDM-3  
21 AUG 1986

[REDACTED]

Dear [REDACTED]:

This is in reply to your letter dated March 18, 1986, addressed to the National Personnel Records Center, Louis, Missouri, which was referred to us for review and determination. The delay in responding to your request is regretted.

During the period you served in the Marine Corps, the Purple Heart was authorized for award to those who were wounded or injured as a direct result of action by an enemy of the United States or an opposing armed force of a foreign country in which the Armed Forces of the United States was engaged.

A thorough review of your service and medical records fails to reveal that you were wounded or injured under conditions for which the Purple Heart can be authorized. The records show you were informed of this by the National Personnel Records Center, St. Louis, Missouri on March 14, 1983, and informed at that time that affidavits from the medical officer or two eyewitnesses (one officer or two enlisted men) who had personal knowledge of the fact that you were injured as a result of enemy action would have to be submitted and further review and consideration of your entitlement to the Purple Heart would be made.

In view of the above and the absence of the requested documents, it can only be concluded that you are not entitled to the award of the Purple Heart.

It is regretted we are unable to provide you a more favorable reply.

Sincerely,

[REDACTED]  
Head, Decorations and Medals Branch  
By direction of the Commandant  
of the Marine Corps

FILE IN CASE  
LOP